

REMARKS

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Claims 1-16 are pending.

Entry of Amendment under 37 C.F.R. § 1.116

The Applicant requests entry of this Rule 116 Response because: the response was not earlier presented because the Applicant believed in good faith that the cited references did not disclose the present invention as previously claimed.

The M.P.E.P. articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

II. Rejection under 35 U.S.C. § 103

In the Office Action, at page 3, numbered paragraph 3, claims 1, 4-6 and 13-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,170,060 to Mott et al. in view of U.S. Patent No. 6,681,212 to Zeng. This rejection is respectfully traversed because the combination of the teachings of Mott and Zeng does not suggest:

temporarily storing an identification of a user computer within the virtual CD program when the virtual CD program is executed;...

storing the user computer identification temporarily stored within the virtual CD program in the downloaded virtual CD image file;

comparing the user computer identification temporarily stored within the virtual CD program with a second identification stored in the virtual CD image file when the downloaded virtual CD image file is selected to be reproduced; and

interrupting reading the selected downloaded virtual CD image file through the virtual CD program if the two identifications do not match,

as recited in independent claim 1.

Mott discusses that a mobile playback device 212 is embedded with a unique player ID and/or group ID values. A candidate digital information file is embedded with one or more player IDs and group IDs. The embedded software of the mobile playback device 212 inspects the list of player IDs and group IDs embedded in the candidate digital information file, and if at least one of the player IDs or group IDs matches the mobile playback device 212 player ID or group IDs,

the mobile playback device 212 will proceed to play the digital information file. If no match is found, the mobile playback device 212 will not play the digital information file.

First, Mott discusses only that the mobile playback device 212 or the software player 226 are assigned unique player IDs or are embedded with player IDs. Mott does not suggest temporarily storing an ID of a user computer, specifically within a virtual CD program when the virtual CD program is executed.

Second, while the device 212 or player 226 receives data from the library server 260 and checks if its player 212/226 identifier or group identifier is included in the header of the data received from the library server 260, Mott does not discuss or suggest that the player ID that is temporarily stored within a virtual CD program is stored in a downloaded virtual CD image file. When the data is received from the server 260, the player 212/226 checks if its player 212/226 identifier or group identifier is included in the header of the data that has been downloaded to the player 212/226. However, the player 212/226 does not store the player identifier in the file that has been downloaded (the data that includes the header having the player identifier). In Mott, the data is received from the server 260 to the player 212/226 and the player 212/226 checks if its player identifier is included in the header of the data. In contrast, the present invention of claim 1, for example, stores the user computer identification that has been temporarily stored in a virtual CD program to the downloaded CD image file. Thus, even if the "data" of Mott were to be construed to be a virtual CD image file, Mott does not suggest that the player ID is stored from within a program of the player 212/226 to within a downloaded CD image file.

Further, in the Office Action mailed January 24, 2008, the Examiner alleges that the playback software is a virtual program that temporarily stores user IDs and compares them to IDs stored within the headers of downloaded digital content which constitutes a downloaded virtual CD image file when executed since if it's being downloaded to a player it is for playback. However, while Mott does discuss that the user IDs are stored in a program (i.e., software player 226), Mott does not suggest that the user IDs that are stored in the software player 226 are stored within the downloaded digital content, which the Examiner alleges constitutes a downloaded virtual CD image file. It is important that the user computer ID that is temporarily stored within a virtual CD program is stored in the downloaded virtual CD image file, as will be discussed later.

Mott further does not discuss or suggest that the user computer ID that is temporarily stored within the program is compared with a second ID stored in the virtual CD image file when

the downloaded virtual CD image file is selected to be reproduced. In particular, Mott discusses that upon receipt of data from the library server 260, the player 212/226 checks if its player ID is included in the header of the data that was received, and if the player IDs match, the digital information file is able to be played. However, Mott does not suggest that the user computer ID that is stored within the program is compared with another ID stored in the virtual CD image file **only when the downloaded virtual CD image file is selected to be reproduced**. In contrast, as discussed in the present specification, if another user tries to copy and use a **previously downloaded authorized CD image file** without authorization at another computing device, loading of the previously downloaded authorized virtual CD image file is not able to be performed because the computer ID number stored in the previously downloaded authorized CD image file differs from the ID number corresponding to the other user's computer (i.e., the ID number of the other user's computer differs from the computer ID number of the authorized user computer **having first downloaded and used the CD image file**).

Thus, while Mott provides for playing digital information files when they match up with player IDs stored on the mobile playback devices 212 or at the software player 226, Mott does not suggest storing a computer ID in a virtual CD program, then storing the virtual CD program in a downloaded virtual CD image file, **and then only when the downloaded virtual CD image file is selected to be reproduced**, comparing the computer ID that is stored within the virtual CD program with an identification that was stored in the virtual CD image file. Therefore, if the virtual CD image file that was associated with the virtual CD program (at the time of reproduction) that had the user computer ID stored within it **when the virtual CD image file was downloaded** is the same, the virtual CD image file is able to be read. However, if the virtual CD image file that is selected to be reproduced was not **originally** associated with the virtual CD program **at the time of downloading** (i.e., another user tries to copy and use the previously downloaded authorized CD image file without authorization), then the virtual CD image file will not be able to be read.

In addition, Mott does not discuss or suggest **interrupting** reading the selected downloaded virtual CD image file **through the virtual CD program** if the two identifications do not match. Mott discusses that if no match is found, the mobile playback device 212 will not play the digital information file. Mott does not suggest that the loading or reading of the file is interrupted if the two player IDs do not match.

Also, as conceded by the Examiner, Mott does not discuss storing an identification of a user computer **within a virtual CD program when the virtual CD program is executed**. The

Examiner alleges that Zeng makes up for the deficiencies in Mott. The Applicants respectfully disagree.

Zeng discusses only that a protection mechanism for software copyright protection includes a CIN reader which may automatically read the computer ID numbers from computers and convert the computer ID numbers to encrypted computer ID numbers. The CIN reader in Zeng does not store an identification of a user computer within a program, specifically a virtual CD program, **when the virtual CD program is executed**. There is no indication in Zeng that computer identification numbers are stored in a program when that program is executed. The Examiner does not address this feature.

In addition, while Zeng discusses storing computer identification numbers into a database, Zeng does not suggest that the computer identification numbers are specifically stored in a virtual CD program. Further, Mott does not ever discuss storing computer identification numbers in a virtual CD program. The Applicants are aware that the claims must be interpreted as broadly as their terms reasonably allow. See M.P.E.P. § 2111.01(I). However, M.P.E.P. § 2111(IV) notes that an applicant is entitled to be his or her own lexicographer and may rebut the presumption that claim terms are to be given their ordinary and customary meaning by clearly setting forth a definition of the term that is different from its ordinary and customary meaning(s). Here, the present specification recites that the term “virtual CD program” refers to “software wherein a virtual CD-ROM drive in the manner of software that replaces a physical CD-ROM drive is made within a space also occupied by a hard disk of the computer system and all information contained in a relevant CD-ROM is stored in the virtual CD-ROM drive as an image file (i.e., as a virtual CD), and then, the virtual CD is allowed to be read and executed without the physical CD-ROM drive and the physical CD.” Neither Zeng nor Mott, alone or in combination, suggest that computer identification numbers are stored in a virtual CD program or suggest that user computer identification that is temporarily stored within a virtual CD program is stored in a downloaded virtual CD image file.

Therefore, as the combination of the teachings of Mott and Zeng does not suggest “temporarily storing an identification of a user computer within the virtual CD program when the virtual CD program is executed;...storing the user computer identification temporarily stored within the virtual CD program in the downloaded virtual CD image file; comparing the user computer identification temporarily stored within the virtual CD program with a second identification stored in the virtual CD image file when the downloaded virtual CD image file is selected to be reproduced; and interrupting reading the selected downloaded virtual CD image

file through the virtual CD program if the two identifications do not match,” as recited in independent claim 1, claim 1 patentably distinguishes over the references relied upon.

Further, the combination of the teachings of Mott and Zeng further does not suggest “a programmed computer processor requiring a virtual CD accessible state tied to a virtual CD image file and the virtual CD device at a downloading time of the virtual CD, and allowing access to the virtual CD image file according to the accessible state, the virtual CD accessible state being accessible when an identification that is temporarily stored within a virtual CD program when the virtual CD program is executed matches a second identification stored in the downloaded virtual CD image file when the downloaded virtual CD image file is selected to be reproduced,” as recited in independent claim 13. Therefore, claim 13 patentably distinguishes over the references relied upon.

Additionally, the combination of the teachings of Mott and Zeng does not suggest “requiring a virtual CD accessible state tied to the virtual CD image file and a downloading virtual CD device downloading the virtual CD image file; and allowing access to the virtual CD image file according to the accessible state, the virtual CD accessible state being accessible when an identification that is temporarily stored within a virtual CD program when the virtual CD program is executed matches a second identification stored in the downloaded virtual CD image file when the downloaded virtual CD image file is selected to be reproduced,” as recited in independent claim 15. Therefore, claim 15 patentably distinguishes over the references relied upon.

Also, the combination of the teachings of Mott and Zeng does not suggest “storing an identification corresponding to the virtual medium device within the virtual medium device when the virtual medium device is executed and storing the identification stored within the virtual medium device in a downloading authorized virtual medium image file; comparing the identification stored within the virtual medium device with a second identification stored in the virtual medium image file when the downloaded virtual medium image file is selected to be reproduced; and allowing the authorized virtual medium image file to be only driven in the virtual medium device having the identification during the downloading of the virtual medium image file, based on a resulting match from the comparison,” as recited in independent claim 16. Therefore, claim 16 patentably distinguishes over the references relied upon.

Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Claims 4-6 and 14 depend either directly or indirectly from independent claims 1 and 15 and include all the features of their respective independent claims, plus additional features that are not discussed or suggested by the references relied upon. For example, claim 14 recites

that “the programmed computer processor further maintains an identification corresponding to the downloading virtual CD device, stores the maintained identification in the downloaded virtual CD during the downloading, and in response to an access to the downloaded virtual CD, determines the accessible state according to a match between the maintained identification and the identification of the downloaded virtual CD.” Therefore, claims 4-6 and 14 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

In the Office Action, at pages 4-6, numbered paragraphs 4-8, claims 2, 3 and 7-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of Mott, Zeng, U.S. Publication No. 2003/0018895 to Morrison, U.S. Patent No. 7,035,827 to Ezaki, U.S. Patent No. 7,146,508 to Hirano et al. These rejections are respectfully traversed.

As discussed above with respect to independent claim 1, from which claims 2 and 3 ultimately depend, the combination of Mott and Zeng does not suggest all the features of independent claim 1. Morrison and Ezaki fail to make up for the deficiencies in Mott and Zeng. Therefore, claim 1 patentably distinguishes over the references relied upon. Claims 2 and 3 depend either directly or indirectly from independent claim 1 and include all the features of claim 1, plus additional features that are not discussed or suggested by the references relied upon. For example, claim 3 recites that “the user downloads the virtual CD image file by driving a file transfer protocol (FTP) module within the virtual CD program.” Therefore, claims 2 and 3 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Also, the combination of Mott and Hirano does not suggest:

storing an identification of a user computer in a predetermined register within the user computer as designated by the virtual CD program when the virtual CD program is installed;...

storing the user computer identification stored in the registry of the user computer in the downloaded virtual CD image file; [and]

comparing the user computer identification stored in the registry of the user computer with a second identification stored in the downloaded virtual CD image file when the downloaded virtual CD image file is selected to be reproduced,

as recited in independent claim 7.

In a similar argument to that which was discussed above, Mott does not discuss or suggest “storing an identification of a user computer in a predetermined register within the user computer as designated by the virtual CD program when the virtual CD program is installed;

accessing a server supplying a predetermined virtual CD image file through the user computer; allowing the user to download the virtual CD image file supplied from the server into the user computer; [and] comparing the identification stored in the registry of the user computer with the identification stored in the downloaded virtual CD image file **when the downloaded virtual CD image file is selected to be reproduced**,” as recited in independent claim 7. Hirano fails to make up for the deficiencies in Mott. Specifically, Hirano does not discuss or suggest that an identification of a user computer is stored in a predetermined register when a virtual CD program is installed, and Hirano does not discuss or suggest that the identification stored in the registry of the user computer is compared with a second identification stored in the downloaded virtual CD image file **when the downloaded virtual CD image file is selected to be reproduced**.

Therefore, as the combination of Mott and Hirano does not suggest “storing an identification of a user computer in a predetermined register within the user computer as designated by the virtual CD program when the virtual CD program is installed;... storing the user computer identification stored in the registry of the user computer in the downloaded virtual CD image file; [and] comparing the user computer identification stored in the registry of the user computer with a second identification stored in the downloaded virtual CD image file when the downloaded virtual CD image file is selected to be reproduced,” as recited in independent claim 7, claim 7 patentably distinguishes over the references relied upon. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Claims 10-12 depend either directly or indirectly from independent claim 7 and include all the features of their respective independent claims, plus additional features that are not discussed or suggested by the references relied upon. For example, claim 11 recites that “the allowing of the user to download the virtual CD image file comprises requesting the user to enter an authentication number to determine whether the user is authorized to use the virtual CD image file when downloading the virtual CD image file.” Therefore, claims 10-12 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

As discussed above with respect to independent claim 7, from which claims 8 and 9 ultimately depend, the combination of Mott and Hirano does not suggest all the features of independent claim 7. Morrison and Ezaki fail to make up for the deficiencies in Mott and Hirano. Therefore, claim 7 patentably distinguishes over the references relied upon. Claims 8 and 9 depend either directly or indirectly from independent claim 7 and include all the features of claim 7, plus additional features that are not discussed or suggested by the references relied upon.

For example, claim 8 recites that "the identification stored in the registry is read from a CMOS-RAM of the user computer." Therefore, claims 8 and 9 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Conclusion

In accordance with the foregoing, claims 1-16 are pending and under consideration.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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